

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 397

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO DRIVER'S TRAINING INSTRUCTION PERMITS; AMENDING SECTION 49-110, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 49-305, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-306, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PROOF OF IDENTITY; AND AMENDING SECTION 49-307, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EXPIRATION OF CERTAIN TRAINING INSTRUCTION PERMITS, TO REVISE REQUIREMENTS RELATING TO CERTAIN SUPERVISED INSTRUCTION PERMITS AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-110, Idaho Code, be, and the same is hereby amended to read as follows:

- 49-110. DEFINITIONS -- I. (1) "Identifying number" means:
- (a) Motor number. That identifying number stamped on the engine of a vehicle.
 - (b) Vehicle identification number. The numbers and letters, if any, placed on a vehicle by the manufacturer for the purpose of identifying the vehicle.
- (2) "Implements of husbandry" means every vehicle including self-propelled units, designed or adapted and used exclusively in agricultural, horticultural, dairy and livestock growing and feeding operations when being incidentally operated. Such implements include, but are not limited to, combines, discs, dry and liquid fertilizer spreaders, cargo tanks, harrows, hay balers, harvesting and stacking equipment, pesticide applicators, plows, swathers, mint tubs and mint wagons, and farm wagons. A farm tractor when attached to or drawing any implement of husbandry shall be construed to be an implement of husbandry. "Implements of husbandry" do not include semitrailers, nor do they include motor vehicles or trailers, unless their design limits their use to agricultural, horticultural, dairy or livestock growing and feeding operations.
- (3) "Incidentally operated" means the transport of the implement of husbandry from one (1) farm operation to another.
- (4) "Individual record" means a record containing personal information about a designated person who is the subject of the record as identified in a request for information.
- (5) "Infraction" means a civil public offense, not constituting a crime, which is not punishable by incarceration and for which there is no right to a trial by jury or right to court-appointed counsel, and which is punishable by only a penalty not exceeding one hundred dollars (\$100) and no imprisonment.
- (6) "Instruction permits":

1 (a) "Class A, B or C instruction permit" means a temporary privilege
2 to operate a motor vehicle for which a commercial driver's license is
3 required; is available only to a person who is eighteen (18) years of age
4 or older; is issued pursuant to the provisions of section 49-305, Idaho
5 Code; and the permittee is subject to the conditions specified therein.

6 (b) "Class D driver's training instruction permit" means a temporary
7 privilege to operate a class D motor vehicle while attending classes
8 as an enrollee of a public or private driver's training course only;
9 is available to a person aged fourteen and one-half (14 1/2) ~~up to~~
10 ~~age seventeen (17) years and older~~; is issued to the instructor of
11 the driver's training course; is issued and expires pursuant to the
12 provisions of section 49-307, Idaho Code; and the permittee is subject
13 to the conditions specified in section 49-307, Idaho Code.

14 (c) "Class D instruction permit" means a temporary privilege to operate
15 a class D motor vehicle which is available to a person under the age
16 of seventeen (17) years who has successfully completed an approved
17 driver's training course and has satisfied the requirements of a class D
18 supervised instruction permit, or to any person seventeen (17) years of
19 age or older; is valid for a period of one hundred eighty (180) days or as
20 provided in section 49-305, Idaho Code, if applicable; privileges are
21 limited to driving with a person who is at least eighteen (18) years of
22 age who holds a valid class D driver's license and is actually occupying
23 a seat beside the permittee; is issued pursuant to the provisions
24 of section 49-305, Idaho Code; and the permittee is subject to the
25 conditions specified in section 49-305, Idaho Code.

26 (d) "Class D supervised instruction permit" means a temporary
27 privilege to operate a class D motor vehicle which is available to a
28 person who is at least fourteen and one-half (14 1/2) years of age who
29 has successfully completed an approved driver's training course, ~~and is~~
30 ~~valid for a minimum of six (6) months~~. No person may apply for a class D
31 driver's license until he has attained the age of at least fifteen (15)
32 years and has successfully satisfied the requirements of this permit,
33 as specified and issued pursuant to the provisions of section 49-307,
34 Idaho Code.

35 (7) "Instructor" means any person, whether acting for himself as
36 operator of a commercial driver training school or for such a school for
37 compensation, who teaches, conducts classes of, gives demonstrations to, or
38 supervises practice of, persons learning to operate or drive motor vehicles.

39 (8) "Insurer" means any insurer, public or private, which shall
40 include, but not be limited to, insurance companies domiciled in the state of
41 Idaho, agents, adjuster or any other person acting on behalf of any insurance
42 not domiciled in the state of Idaho and any self-insured entity operating
43 under Idaho insurance laws or rules.

44 (9) "International registration plan" means a registration
45 reciprocity agreement among the states of the United States and provinces
46 of Canada providing for payment of registration and licensing fees on a
47 proportional basis determined by the fleet miles operated in the various
48 jurisdictions.

49 (10) "Intersection" means:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event an intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of the highways shall be regarded as a separate intersection.

(c) The junction of an alley with a street or highway shall not constitute an intersection.

SECTION 2. That Section 49-305, Idaho Code, be, and the same is hereby amended to read as follows:

49-305. INSTRUCTION PERMITS -- TEMPORARY LICENSES -- MOTORCYCLE ENDORSEMENT INSTRUCTION PERMIT. (1) Upon passage of the required knowledge tests appropriate for the vehicle being operated, the department may issue a class A, B or C instruction permit for the type of vehicle(s) the person will be operating, or a class D instruction permit for a class D motor vehicle, entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle upon the highways for a period of up to one hundred eighty (180) days or as provided in paragraph (b) of this subsection (1) for certain class D instruction permits. That person must be accompanied by an adult driver eighteen (18) years of age or older who holds a valid driver's license appropriate for the vehicle being operated and who is actually occupying a seat beside the driver.

(a) Any person under the age of seventeen (17) years who has successfully completed an approved driver's training course and has satisfied the requirements of a class D supervised instruction permit, or any person who has reached the age of seventeen (17) years may apply for a class D instruction permit. Any person applying for any class D instruction permit or driving privileges who is under the age of eighteen (18) years shall be in compliance with school attendance requirements of section 49-303A, Idaho Code.

(b) If a person reaches the age of seventeen (17) years while operating a class D vehicle with a class D supervised instruction permit, and such class D supervised instruction permit becomes a class D instruction permit as provided in section 49-307, Idaho Code, then such class D instruction permit shall expire five (5) days after the permittee's eighteenth birthday.

(c) Any person who has reached the age of eighteen (18) years, holds a valid Idaho class D driver's license and has at least one (1) year of driving experience, may apply for a class A, B or C instruction permit.

(d) The department shall not issue a hazardous material endorsement on any instruction permit.

(2) The department may, at its discretion, issue a temporary class D driver's license to an applicant for a class D driver's license permitting him to operate a motor vehicle while the department is completing its

1 investigation and determination of all facts relative to the applicant's
 2 right to receive a driver's license. The temporary license may be canceled
 3 at the department's discretion at any time after issuance. The temporary
 4 license must be in the applicant's immediate possession while operating a
 5 motor vehicle, and it shall be invalid when the applicant's driver's license
 6 has been issued or for good cause has been refused.

7 (3) ~~The~~ A certified copy of an applicant's birth certificate shall be
 8 required before a class D driver's license or class D instruction permit will
 9 be issued.

10 (4) The department may issue a motorcycle endorsement instruction
 11 permit to an applicant who has a valid driver's license and who has
 12 successfully completed the motorcycle rider's knowledge test and paid
 13 the appropriate fees. The permit entitles the applicant, while having
 14 the permit in his immediate possession, to operate a motorcycle upon the
 15 highways for a period not to exceed one hundred eighty (180) days. If
 16 the permittee passes the skills test for a motorcycle endorsement within
 17 one hundred eighty (180) days of issuance of the motorcycle endorsement
 18 instruction permit, he shall not be required to pay the motorcycle
 19 endorsement fee. A person holding a motorcycle instruction permit shall
 20 not carry any passenger while operating a motorcycle, shall not operate a
 21 motorcycle except during the hours of daylight only and shall not operate a
 22 motorcycle upon any interstate highway system.

23 A violation of the conditions of a motorcycle endorsement instruction
 24 permit is an infraction. The department shall cancel the permit whether or
 25 not such violation results in conviction of the infraction.

26 SECTION 3. That Section 49-306, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 49-306. APPLICATION FOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR
 29 RESTRICTED SCHOOL ATTENDANCE DRIVING PERMIT. (1) Every application for any
 30 instruction permit, restricted school attendance driving permit, or for a
 31 driver's license shall be made upon a form furnished by the department and
 32 shall be verified by the applicant before a person authorized to administer
 33 oaths. Officers and employees of the department and sheriffs and their
 34 deputies are authorized to administer the oaths without charge. Every
 35 application for a permit, extension or driver's license shall be accompanied
 36 by the following fee, none of which is refundable:

- 37 (a) Class A, B, C (4-year) license with endorsements --
- 38 age 21 years and older \$40.00
- 39 (b) Class A, B, C (3-year) license with endorsements --
- 40 age 18 to 21 years \$30.00
- 41 (c) Class A, B, C (1-year) license with endorsements --
- 42 age 20 years \$15.00
- 43 (d) Class D (3-year) license -- under age 18 years \$25.00
- 44 (e) Class D (3-year) license -- age 18 to 21 years \$25.00
- 45 (f) Class D (1-year) license -- age 17 years or age 20 years \$15.00
- 46 (g) Four-year Class D license -- age 21 years and older \$30.00
- 47 (h) Eight-year Class D license -- age 21 to 63 years \$55.00
- 48 (i) Class A, B, C instruction permit \$29.00
- 49 (j) Class D instruction permit or supervised instruction

1 permit \$15.00
 2 (k) Duplicate driver's license or permit issued under
 3 section 49-318, Idaho Code \$15.00
 4 (l) Driver's license extension issued under section
 5 49-319, Idaho Code \$10.00
 6 (m) License classification change (upgrade) \$25.00
 7 (n) Endorsement addition \$15.00
 8 (o) Class A, B, C skills tests not more than \$70.00
 9 (p) Class D skills test \$24.00
 10 (q) Motorcycle endorsement skills test \$10.00
 11 (r) Knowledge test \$ 3.00
 12 (s) Seasonal driver's license \$39.00
 13 (t) One time motorcycle "M" endorsement \$15.00
 14 (u) Motorcycle endorsement instruction permit \$15.00
 15 (v) Restricted driving permit or restricted school attendance
 16 driving permit \$60.00
 17 (2) Every application shall state the true and full name, date of birth,
 18 sex, declaration of Idaho residency, Idaho residence address and mailing
 19 address, if different, of the applicant, height, weight, hair color, and eye
 20 color, and the applicant's social security number as verified by the social
 21 security administration.
 22 (a) The requirement that an applicant provide a social security number
 23 as verified by the social security administration shall apply only to
 24 applicants who have been assigned a social security number.
 25 (b) An applicant who has not been assigned a social security number
 26 shall:
 27 (i) Present written verification from the social security
 28 administration that the applicant has not been assigned a social
 29 security number; and
 30 (ii) Submit a birth certificate, passport or other documentary
 31 evidence issued by an entity other than a state or the United
 32 States; and
 33 (iii) Submit such proof as the department may require that the
 34 applicant is lawfully present in the United States.
 35 A driver's license or any instruction permit issued on and after January
 36 1, 1993, shall not contain an applicant's social security number.
 37 Applications on file shall be exempt from disclosure except as provided
 38 in sections 49-202, 49-203, 49-203A and 49-204, Idaho Code.
 39 Every application for a class A, B or C license shall state where
 40 the applicant has been licensed for the preceding ten (10) years and
 41 all applications shall also state whether the applicant has previously
 42 been licensed as a driver, and if so, when and by what state or country,
 43 and whether a driver's license or privileges have ever been suspended,
 44 revoked, denied, disqualified, canceled or whether an application has
 45 ever been refused, and if so, the date of and reason for the suspension,
 46 revocation, denial, disqualification, cancellation or refusal and the
 47 applicant's oath that all information is correct as signified by the
 48 applicant's signature.
 49 The applicant ~~may be required to~~ must submit proof of identity
 50 acceptable to the examiner or the department and date of birth as set

1 forth in a certified copy of his birth certificate ~~when obtainable, or~~
 2 ~~another.~~ When a certified copy of his birth certificate or a delayed
 3 birth certificate is impossible to obtain from a vital statistics
 4 agency, another government issued document which may be submitted that
 5 provides satisfactory evidence of a person's full legal name and date of
 6 birth acceptable to the examiner or the department.

7 (c) Individuals required to register in compliance with section 3
 8 of the federal military selective service act, 50 U.S.C. App. 451 et
 9 seq., as amended, shall be provided an opportunity to fulfill such
 10 registration requirements in conjunction with an application for a
 11 driver's license or instruction permit. Any registration information
 12 so supplied shall be transmitted by the department to the selective
 13 service system.

14 (3) Whenever an application is received from a person previously
 15 licensed in another jurisdiction, the department shall request a copy of the
 16 driver's record from the other jurisdiction and shall contact the national
 17 driver register. When received, the driver's record from the previous
 18 jurisdiction shall become a part of the driver's record in this state with
 19 the same force and effect as though entered on the driver's record in this
 20 state in the original instance.

21 (4) Whenever the department receives a request for a driver's record
 22 from another licensing jurisdiction, the record shall be forwarded without
 23 charge.

24 (5) The department shall contact and notify the commercial driver
 25 license information system of the proposed application for a class A, B
 26 or C driver's license to ensure identification of the person and to obtain
 27 clearance to issue the license.

28 (6) When the fees required under this section are collected by a county
 29 officer, they shall be paid over to the county treasurer not less often than
 30 monthly, who shall immediately:

31 (a) Deposit an amount equal to five dollars (\$5.00) from each driver's
 32 license except an eight-year class D license, or any class D instruction
 33 permit application fees, application for a duplicate driver's license
 34 or permit, classification change, seasonal driver's license and
 35 additional endorsement, and ten dollars (\$10.00) from each eight-year
 36 class D driver's license, in the current expense fund; and

37 (b) Deposit two dollars and fifty cents (\$2.50) from each motorcycle
 38 endorsement and motorcycle endorsement instruction permit fee in the
 39 current expense fund; and

40 (c) Deposit an amount equal to three dollars (\$3.00) from each fee for a
 41 knowledge test in the current expense fund; and

42 (d) Deposit an amount equal to ten dollars (\$10.00) from each fee
 43 for a motorcycle endorsement skills test in the current expense fund;
 44 provided however, if a contractor administers the skills test he shall
 45 be entitled to the ten dollar (\$10.00) fee; and

46 (e) Remit the remainder to the state treasurer; and

47 (f) Deposit seventeen dollars and fifty cents (\$17.50) from each fee
 48 for a class D skills test into the county current expense fund, unless
 49 the test is administered by a department-approved contractor, in which

1 case the contractor shall be entitled to seventeen dollars and fifty
2 cents (\$17.50) of each fee.

3 (7) When the fees required under this section are collected by a state
4 officer or agency, they shall be paid over to the state treasurer.

5 (8) The state treasurer shall distribute the moneys received from fees
6 imposed by the provisions of this section, whether collected by a county
7 officer or by a state officer or agency as follows:

8 (a) Two dollars (\$2.00) of each fee for a four-year driver's license
9 or seasonal driver's license, and four dollars (\$4.00) of each fee
10 for an eight-year class D driver's license, and one dollar and fifty
11 cents (\$1.50) of each fee charged for driver's licenses pursuant to
12 subsections (1)(b), (d) and (e) of this section, and fifty cents (50¢)
13 of each fee charged for driver's licenses pursuant to subsections
14 (1)(c) and (f) of this section, shall be deposited in the emergency
15 medical services fund II created in section 56-1018A, Idaho Code,
16 and four dollars (\$4.00) of each fee charged pursuant to subsections
17 (1)(a), (g) and (s) of this section and eight dollars (\$8.00) of each fee
18 charged pursuant to subsection (1)(h) of this section and three dollars
19 (\$3.00) of each fee for driver's licenses pursuant to subsections
20 (1)(b), (d) and (e) of this section, and one dollar (\$1.00) of each fee
21 charged for driver's licenses pursuant to subsections (1)(c) and (f) of
22 this section shall be deposited in the emergency medical services fund
23 III created in section 56-1018B, Idaho Code; and

24 (b) Twenty-eight dollars (\$28.00) of each fee for a seasonal or class A,
25 B or C driver's license, and nineteen dollars and fifty cents (\$19.50)
26 of each fee charged for a license pursuant to subsection (1)(b) of this
27 section, and eight dollars and sixteen cents (\$8.16) of each fee charged
28 for a license pursuant to subsection (1)(c) of this section shall be
29 deposited in the state highway account; and

30 (c) Twenty dollars (\$20.00) of each fee for a class A, B or C instruction
31 permit or driver's license classification change shall be deposited in
32 the state highway account; and

33 (d) Four dollars (\$4.00) of each fee for a class A, B or C instruction
34 permit shall be deposited in the emergency medical services fund III
35 created in section 56-1018B, Idaho Code; and

36 (e) Ten dollars (\$10.00) of each fee for a duplicate seasonal or class
37 A, B or C driver's license, class A, B or C driver's license extension,
38 or additional endorsement shall be deposited in the state highway
39 account; and

40 (f) Seven dollars and fifty cents (\$7.50) of each fee for a motorcycle
41 endorsement and motorcycle endorsement instruction permit shall be
42 deposited in the state highway account; and

43 (g) Five dollars and thirty cents (\$5.30) of each fee for a four-year
44 class D driver's license, and ten dollars and sixty cents (\$10.60) of
45 each fee for an eight-year class D driver's license, and four dollars
46 (\$4.00) of each fee charged for a license pursuant to subsections (1)(d)
47 and (e) of this section, and one dollar and thirty-three cents (\$1.33)
48 of each fee charged for a license pursuant to subsection (1)(f) of this
49 section shall be deposited in the driver training fund; and

(h) Twelve dollars and seventy cents (\$12.70) of each fee for a four-year class D driver's license, and twenty dollars and forty cents (\$20.40) of each fee for an eight-year class D driver's license, and ten dollars and fifty cents (\$10.50) of each fee charged for a license pursuant to subsections (1) (d) and (e) of this section, and six dollars and eighty-three cents (\$6.83) of each fee charged for a license pursuant to subsection (1) (f) of this section shall be deposited in the highway distribution fund; and

(i) Two dollars and sixty cents (\$2.60) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the driver training fund; and

(j) Seven dollars and forty cents (\$7.40) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the highway distribution fund; and

(k) Ten dollars (\$10.00) of each fee for a class A, B or C skills test shall be deposited in the state highway account; and

(l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D driver's license, and two dollars (\$2.00) of each fee for an eight-year class D driver's license, and one dollar (\$1.00) of each fee charged for a license pursuant to subsections (1) (b), (d) and (e) of this section, and thirty-four cents (34¢) of each fee charged for a license pursuant to subsections (1) (c) and (f) of this section shall be deposited in the motorcycle safety program fund established in section 33-4904, Idaho Code; and

(m) Six dollars and fifty cents (\$6.50) of each fee for a class D skills test shall be deposited into the state highway account.

(9) The contractor administering a class A, B or C skills test shall be entitled to not more than sixty dollars (\$60.00) of the skills test fee. A contractor administering a class A, B or C skills test may collect an additional fee for the use of the contractor's vehicle for the skills test.

(10) Sixty dollars (\$60.00) of each restricted driving permit and each restricted school attendance driving permit shall be deposited in the state highway account.

(11) The department may issue seasonal class B or C driver's licenses to drivers who are employees of agri-chemical businesses, custom harvesters, farm retail outlets and suppliers, and livestock feeders that:

(a) Will only be valid for driving commercial vehicles that normally require class B or C commercial driver's licenses;

(b) Will be valid for seasonal periods that begin on the date of issuance and that are not to exceed one hundred eighty (180) days in a twelve (12) month period;

(c) May only be obtained twice in a driver's lifetime;

(d) Are valid only within a one hundred fifty (150) mile radius of the place of business or farm being serviced; and

(e) Will be valid only in conjunction with valid Idaho class D driver's licenses.

(12) The department may issue seasonal class B or C driver's licenses to drivers who:

(a) Have not violated the single license provisions of applicable federal regulations;

(b) Have not had any license suspensions, revocations or cancellations;

(c) Have not had any convictions in any vehicle for any offense listed in section 49-335(1) or (2), Idaho Code, or any one (1) serious traffic offense;

(d) Have at least one (1) year of driving experience with a class D or equivalent license in any type motor vehicle; and

(e) Are at least sixteen (16) years old.

SECTION 4. That Section 49-307, Idaho Code, be, and the same is hereby amended to read as follows:

49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT AND TEMPORARY PERMITS -- CLASS D SUPERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D driver's training course shall be allowed to attend classes or participate in driving instruction unless he has obtained a class D driver's training instruction permit, or a class D instruction permit as provided in subsection (4) of this section. ~~The class D driver's training instruction permit shall expire five (5) days after the permittee's eighteenth birthday.~~

(2) Every enrollee of a class D driver's training course shall pay a nonrefundable fee of fifteen dollars (\$15.00). Five dollars (\$5.00) of each fee so imposed shall be deposited in the driver training account, five dollars (\$5.00) shall be deposited in the state highway account, and five dollars (\$5.00) shall be deposited in the county current expense fund.

(3) Each enrollee of a class D driver's training course shall provide the type of information required for a driver's license or instruction permit. If an enrollee of a class D driver's training course cannot provide a certified copy of his birth certificate at the time of application for a permit, the department may issue a temporary driver's training instruction permit or a temporary class D instruction permit upon receipt of both a photo identification and a letter from the school verifying the applicant's enrollment in a driver's training course. The certified copy of an applicant's birth certificate shall be required before a class D driver's license will be issued.

(4) ~~The class D driver's training instruction permit is available to a person aged fourteen and one-half (14 1/2) years up to~~ shall expire five (5) days after the permittee's eighteenth birthday for permittees fourteen and one-half (14 1/2) years of age through seventeen and one-half (17 1/2) years of age. The class D driver's training instruction permit shall expire one hundred eighty (180) days from the date of issue for persons seventeen and one-half (17 1/2) years of age or older. Persons aged seventeen (17) years or older may attend classes or participate in driver's training instruction while operating with a class D instruction permit or a class D driver's training instruction permit.

(5) The class D driver's training instruction permit shall be issued to the instructor of the course.

(6) Class D supervised instruction permit.

(a) Upon successful completion of the class D driver's training course, the driver's training instructor shall ~~date~~ submit the student log to the county driver's license office and sign give the class D driver's training instruction permit ~~over~~ to the parent or legal guardian of the permittee, and the parent or legal guardian shall ~~also date and sign the class D driver's training instruction permit and in so doing agrees to~~ assume responsibility for ensuring that the permittee complies with the requirements of operating a vehicle with a class D supervised instruction permit. The ~~signed and dated~~ class D driver's training instruction permit shall then serve as a class D supervised instruction permit.

(b) In the event the permittee reaches the age of seventeen (17) years while operating a class D vehicle with a class D supervised instruction permit, the supervised instruction permit shall become a class D instruction permit, ~~and such class D instruction permit shall expire five (5) days after the permittee's eighteenth birthday.~~

(7) No permittee may apply for a class D driver's license sooner than fifteen (15) years of age and no sooner than six (6) months after completing a class D driver's training course, during which time the permittee shall satisfy all requirements for operation of a class D vehicle with a class D supervised instruction permit as follows:

(a) The permittee shall not operate a vehicle unless he is accompanied by a driver who holds a valid driver's license, is twenty-one (21) years of age or older, and who is actually occupying a seat beside the permittee driver. The supervising driver and the permittee shall be the only occupants of the front passenger section of the vehicle.

(b) Over a period of time not less than six (6) months, the permittee shall accumulate at least fifty (50) hours of supervised driving time, ten (10) hours of which shall be during hours of darkness.

(c) The permit shall be in the permittee's immediate possession at all times while operating a vehicle.

(d) In addition to the permittee driver and the supervising driver, all other occupants of the vehicle shall wear a seat belt or be restrained by child passenger restraints as required by law.

(e) The permittee is subject to the provisions of sections 18-1502 and 18-8004, Idaho Code, relating to violation of age restrictions on consumption of beer, wine, and alcohol and driving under the influence of alcohol, drugs or any other intoxicating substances, respectively.

(f) The permittee shall not have been convicted of any moving traffic violation, or have had driving privileges suspended by the department or the court for any offense, or found to be in violation of any of the restrictions on the class D supervised instruction permit, for a period of at least six (6) months from the date the driver's training instructor ~~signed~~ gave the permit ~~over~~ to the parent or legal guardian, or from the date a canceled class D supervised instruction permit was reissued, or until the permittee reaches seventeen (17) years of age.

(g) If the permittee is under seventeen (17) years of age and is convicted of a violation of any traffic law, or section 18-1502, Idaho Code, or section 18-8004, Idaho Code, or section 23-949, Idaho Code, or is found to be in violation of any of the restrictions on the class

1 D supervised instruction permit, the department shall cancel the
2 class D supervised instruction permit, and the cancellation shall not
3 be used to establish rates of motor vehicle insurance charged by a
4 casualty insurer. If the permittee is under seventeen (17) years of
5 age, the permittee may reapply for and be issued a new class D supervised
6 instruction permit upon payment of the appropriate fees, and shall
7 again be required to operate with the class D supervised instruction
8 permit for at least six (6) months from the date of reissue without a
9 conviction or suspension, accumulate the required hours of driving time
10 and adhere to the requirements as specified in paragraphs (a) through
11 (f) of this subsection (7).

12 (8) Upon completion of the requirements in subsection (7) of this
13 section, the permittee shall take the knowledge test and skills test
14 administered by a person certified by the Idaho transportation department to
15 administer knowledge and skills tests.

16 (9) Upon passage of the knowledge and skills tests, the permittee may
17 apply for a class D driver's license with driving privileges restricted to
18 daylight hours for persons under sixteen (16) years of age, and with full
19 privileges at sixteen (16) years of age or older. Provided however, the
20 restriction on daylight hours only driving privileges for persons under
21 sixteen (16) years of age shall not apply if:

22 (a) The person under sixteen (16) years of age has a valid class D
23 driver's license; and

24 (b) Is accompanied by a driver who holds a valid driver's license and is
25 twenty-one (21) years of age or older and is actually occupying a seat
26 beside the licensee who is under sixteen (16) years of age; and

27 (c) The two (2) licensed drivers are the only occupants of the front
28 passenger section of the vehicle.

29 The restriction of daylight hours only shall mean that period of time
30 one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

31 (10) Upon passage of the knowledge and skills tests, the permittee may
32 apply for a class D driver's license. Any such licensee who is under the age
33 of seventeen (17) years shall be required, during the first six (6) months
34 from the date of issue of the class D driver's license, to limit the number
35 of passengers in the vehicle who are under the age of seventeen (17) years to
36 not more than one (1) such passenger. Provided however, the limit of one (1)
37 passenger under the age of seventeen (17) years shall not apply to passengers
38 who are related to the driver by blood, adoption or marriage.